

February 25, 1975

amendments to LB 290.

PRESIDENT: The question...is there any discussion? The question is, the adoption of amendments to LB 290. All in favor signify by saying aye. Contrary nay. The amendments are adopted.

CLERK: Mr. President, there is an amendment offered by Senator Cavanaugh which appears on Page 579 of the Legislative Journal. It is to amend LB 290, Page 2 strike lines 22 through 27. Page 579. Strike lines 22 through 27.

PRESIDENT: The chair recognizes Senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President, this is the juvenile court bill that somehow slipped away from me on General File and this is the one that relates to the powers of the court on disposition and the specific section that I am striking is the Section 7 which pertains to the requirement that they could...that the court could require that the entire family to receive psychiatric diagnosis, treatment, guidance and, I suppose, whatever else they wanted to do to them. I think that that's the most offensive section of this bill although some of the others delegate powers that could be vastly misconstrued and abused with regard to how the courts will address parents of children who have a child who comes in contact with juvenile court. I would move the adoption of the amendment.

PRESIDENT: Senator Barnett.

SENATOR BARNETT: Mr. President and members of the Legislature, I am going to fool Senator Cavanaugh and go along with the amendment. I don't disagree that that may be a controversial part and, if we can get some parts of this legislation this year, we will probably be back next year for more and I might add that the reason it slipped past him on General File is that we started at 9 o'clock in the morning and he didn't get here until about a quarter of ten and that is why it got past him.

PRESIDENT: Senator Marsh.

SENATOR MARSH: Mr. President, I rise to oppose the amendment. The option is, do you want to keep your child enough that you are willing to make some changes in your poor habits. With the courts help, a family may be able to make those changes. Otherwise the option is, to remove the child from the home. This is not forcing the family to cooperate, if they do not wish to. They have another option. They can lose their child. I move that we vote down the amendment.

PRESIDENT: Do you wish to reply, Senator Cavanaugh? To close the argument.

SENATOR CAVANAUGH: Well, I'd just reply by saying that I don't think that it is a proper role for the courts to be in a position to blackmail an entire family into psychiatric diagnosis, treatment and evaluation because one member happened to come in contact with the juvenile court for any reason. This bill sets out no criteria as to when a court may apply these kind of dictates. It sets out no hearing procedure, no procedural protections for the other members of the family. Very simply, because one member of the family comes